

By: Shaheen

H.B. No. 1362

A BILL TO BE ENTITLED

AN ACT

relating to state agency and local government regulation of the use of multi-occupancy private spaces.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 38, Education Code, is amended by adding Section 38.027 to read as follows:

Sec. 38.027. REGULATION OF MULTI-OCCUPANCY PRIVATE SPACES.

(a) In this section, "multi-occupancy private space" means a restroom, locker room, changing room, shower room, or other similar facility:

(1) in which a person may be in a state of undress; and

(2) that is designated to be used by more than one person at a time.

(b) The board of trustees or the superintendent of a school district may not adopt a policy or other measure regarding the use of the district's multi-occupancy private spaces by more than one sex or gender.

(c) The attorney general may bring an action for an injunction to prevent or restrain a violation of this section. The attorney general may recover reasonable costs and attorney's fees incurred in obtaining an injunction under this subsection. Governmental immunity to suit and from liability is waived and abolished to the extent of liability created by this subsection.

SECTION 2. Subtitle A, Title 9, Health and Safety Code, is

1 amended by adding Chapter 769 to read as follows:

2 CHAPTER 769. REGULATION RELATING TO USE OF MULTI-OCCUPANCY PRIVATE  
3 SPACES

4 Sec. 769.001. DEFINITIONS. In this chapter:

5 (1) "Multi-occupancy private space" means a restroom,  
6 locker room, changing room, shower room, or other similar facility:

7 (A) in which a person may be in a state of  
8 undress; and

9 (B) that is designated to be used by more than one  
10 person at a time.

11 (2) "State agency" means any department, commission,  
12 board, office, or other agency in the executive, legislative, or  
13 judicial branch of state government created by the constitution or  
14 a statute of this state.

15 Sec. 769.002. REGULATION OF PRIVATE ENTITIES. A state  
16 agency or a political subdivision of this state may not adopt or  
17 enforce an order, rule, policy, ordinance, or other measure that  
18 limits the ability of a private entity to adopt or enforce a policy  
19 on the use of the private entity's multi-occupancy private spaces  
20 by one or more sexes or genders, including for the term of a lease by  
21 a private entity of a facility of a state agency or political  
22 subdivision.

23 Sec. 769.003. INJUNCTION. (a) The attorney general may  
24 bring an action for an injunction to prevent or restrain a violation  
25 of this section. The attorney general may recover reasonable costs  
26 and attorney's fees incurred in obtaining an injunction under this  
27 subsection.

1        (b) Sovereign and governmental immunity to suit and from  
2 liability is waived and abolished to the extent of liability  
3 created by this section.

4        SECTION 3. Section 38.027, Education Code, and Chapter 769,  
5 Health and Safety Code, as added by this Act, apply to an order,  
6 rule, policy, ordinance, or other measure adopted before, on, or  
7 after the effective date of this Act.

8        SECTION 4. This Act takes effect September 1, 2017.